

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re JEREMIAH F., a Person Coming
Under the Juvenile Court Law.

B190624
(Los Angeles County
Super. Ct. No. CK12384)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

SHAWN B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Jan Levine,
Judge. Reversed and remanded with directions.

Ernest Paz Rey for Defendant and Appellant.

Raymond G. Fortner, Jr., Los Angeles County Counsel, Larry Cory, Assistant
County Counsel, Kim Nemoy, Deputy County Counsel for Plaintiff and Respondent.

Jenny Cheung, Children's Law Center, for the Minor.

Shawn B., the mother, appeals from a Welfare and Institutions Code section 366.26 parental rights termination order. She contends the parental rights termination order must be reversed because of non-compliance with the Indian Child Welfare Act. The parties have stipulated to a limited reversal of the parental rights termination order to allow compliance with the Indian Child Welfare Act and to immediate remittitur issuance. We accept the parties' stipulation.

The parties agree there was noncompliance with the Indian Child Welfare Act. We concur in their assessment in this regard. Further, the parties agree the April 20, 2006 parental rights termination order must be reversed and remanded to permit compliance with the Indian Child Welfare Act. Our ability to accept a stipulated reversal is controlled by our prior decision in the case of *In re Rashad H.* (2000) 78 Cal.App.4th 376, 379-382. The present case involves reversible error, the failure to give notice to a tribe as required by the Indian Child Welfare Act. (*In re Marinna J.* (2001) 90 Cal.App.4th 731, 736-740; *In re Desiree F.* (2000) 83 Cal.App.4th 460, 471-472; *In re Kahlen W.* (1991) 233 Cal.App.3d 1414, 1421-1422; *In re Junious M.* (1983) 144 Cal.App.3d 786, 790-791.) Because the parental rights termination order would be reversed under any circumstances, a stipulated reversal advances those interests identified in Code of Civil Procedure section 128, subdivision (a)(8) for the reasons we explained in the case of *In re Rashad H.*, *supra*, 78 Cal.App.4th at pages 379-382. (See *Union Bank of California v. Braille Inst. of America, Inc.* (2001) 92 Cal.App.4th 1324, 1329-1330.) The present case is entirely different from *In re E.H.* (July 6, 2006, E039350) __ Cal.App.4th __, __ [46 Cal.Rptr.3d 787, 789-790], where the mother repeatedly refused to provide pertinent information concerning the potential tribal affiliation of the child. If no tribe asserts that the child, Jeremiah F., is of Indian descent, the parental rights termination order is to be reinstated.

The Welfare and Institutions Code section 366.26 order is reversed and the cause is remanded for compliance with the federal Indian Child Welfare Act requirements.

Pursuant to the parties' stipulation, this decision is final forthwith and the remittitur is to issue forthwith. All other orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

TURNER, P. J.

We concur:

ARMSTRONG, J.

KRIEGLER, J.